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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/630,534 | 08/03/2000 | Michael Kahn | MATP-598US | 9590 |
| 23122 | 7590 | 05/21/2004 | EXAMINER | |
| RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980 | | | HUYNH, SON P | |
| | | | ART UNIT | PAPER NUMBER |
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DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/630,534

Applicant(s)

KAHN, MICHAEL

Examiner

Son P Huynh

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 18, 2004 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

In response to Applicant's argument that Boyer does not disclose or suggest the use of multiple time selection fields, the examiner respectfully disagrees.

Boyer discloses the program guide comprises Day to view, time of the day (prime time, morning, etc. – figure 16) that allow user to view program guide information of particular day or time by selecting the icons (figure 16). Thus, the multiple time selection fields are met by the Day to view, Early morning, mid-day, etc. fields.

Rejection for amended claims 1-15 is discussed below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer et al. (US 2003/0066085), and in view of Lemmons et al. (US 5,880,768).

Regarding claim 1, Boyer teaches an apparatus for displaying program guide information on a grid showing a channel axis and a time axis, with each program positioned at a location in the grid representing a channel of transmission and a corresponding time of transmission, a method for rapidly accessing the program guide information at a desired new time of transmission comprising displaying a program guide with a calendar on the screen, the user then selects day to view 232, and time of day 230 to display the program guide information correspond to the selected day, or selected time to view (see figure 16). Thus, Boyer teaches the method comprising: displaying the program guide information (time page 218-figure 16); placing a plurality of time selection fields on the display (230, 232 or time axis- figures 16, 18); the plurality of time selection fields representing respective incremental time

indexes having respectively different magnitudes (e.g. incremental time index for day has magnitude of 24 hrs between consecutive day, for particular day part has magnitude of 2 hrs between consecutive part, for time icon 224 has magnitude of predetermined period of time, etc. – figure 16, par. 0102+);

activating the selected time selection field to determine the selected incremental time index (e.g. user activates a particular field on the calendar, an incremental time index of 24 hrs between consecutive field be determined – figure 16 and par. 0103+). In addition, Boyer discloses after the user selects a desired day field or time field on the program guide, the new program guide associated with the selected field is displayed (see paragraphs 0102-0103). The cursors 222 and 224 are used to navigate to earlier or later time periods, respectively (paragraph 0103 +). Inherently, the method comprising: calculating a new time of transmission for displaying by adding the selected incremental time index; and displaying the program guide information at the new time of transmission (displaying program associated with the selected time field). However, Boyer does not specifically disclose adding the selected incremental time index to one of the times of transmission currently displayed.

Lemmons discloses viewer selects time fields (e.g. particular date on calendar – figure 8) to display program guide information associated with the selected day. For example, if program guide in Morning Time for Feb. 9th is currently displayed, viewer presses Right Arrow key one time, the Feb. 10 cell is highlighted, if viewer presses Right Arrow again, Feb. 11th cell is highlighted, and so on– col. 16, line 45+. In order to select a new date, the viewer uses the Left and Right Arrow keys on the remote control 78 to move

the cursor from one calendar cell to the next, and press Enter, program guide associated with the selected field is displayed (col. 16, line 45+). Necessarily, a new time of transmission for display is calculated by adding the selected incremental time index (e.g. adding 24 hrs if same part of the day for next day is selected) to one of the times of transmission currently displayed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer to use the teaching as taught by Lemmons in order to provide an alternative way to search for program guide.

Regarding claim 2, Boyer in view of Lemmons teaches a method as discussed in the rejection of claim 1. Boyer further discloses the at least one time selection field includes one of a page field (user selects early, morning, mid-day, etc. icons to display different page of the program guide- see figure 16), a day field and a date field (day and date on calendar); and the day field is adapted to provide a 24 hour time index (8th, 9th, etc.), and the date field is adapted to provided a seven day time index (8th, 15th, etc.) and the page field is adapted to provide a 6 particular time of a day (early, morning, mid-day, afternoon, prime time, latenite- see figure 16). It would have been obvious to one of ordinary skill in the art that the page field is adapted to provide a six-hour time index in order to provide an alternative display of the page.

Regarding claim 3, Boyer in view of Lemmons teaches a method as discussed in the rejection of claim 2. Lemmons further discloses when viewer presses Right Arrow key to

move to the next day and the same part of the day is selected, the program guide associated with the selected time and day is displayed (col. 16, line 45+). Necessarily, a magnitude of the selected incremental time index (e.g. 24 hrs) is determined; and activating one of first and second direction input (e.g. Right Arrow key) to determine an arithmetic sign of the selected incremental time index.

Regarding claim 4, Boyer discloses the programs in program guide listing 220 may be listed beginning with programs that are currently being broadcast. If desired, the closest time slot to the current time may be displayed (see paragraph 0102+). Inherently, Boyer teaches displaying the program guide information at a current time of transmission, if the calculated new time of transmission is earlier than the current time of transmission.

Regarding claim 5, Boyer teaches displaying the program guide information at a latest time of transmission, if the calculated new time of transmission is later than the latest time of transmission, the latest time of transmission corresponding to the latest program guide information stored in the apparatus (display only program guide available in memory- see paragraph 0052, line 9+ and day 7th to 21st in figure 16+).

Regarding claim 6, Boyer teaches the apparatus is implement in a set top box 50 (see figure 1).

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Regarding claim 7, Boyer teaches the apparatus includes a computer 40 or 46 coupled on a network for receiving program guide information from the network (see figure 1).

Regarding claim 8, Boyer teaches an apparatus for displaying program guide information on a grid showing a channel axis and a time axis, with each program positioned at a location in the grid representing a channel of transmission and a corresponding time of transmission (figure 16), the apparatus comprising:

- a display (television – figure 1) for displaying the program guide information for a current time interval (figure 16);
- a memory device (par. 0060);
- a processor (processing unit 60 – par. 0060+) for processing software for accessing the program guide information. Regarding claim 1, Boyer further discloses displaying a program guide with a calendar on the screen, the user then selects day to view 232, and time of day 230 to display the program guide information associated with the selected day, or selected time to view (see figure 16). Inherently, Boyer teaches the software comprising:
 - a plurality of time selection fields (230, 232 or time axis- figures 16, 18) for selecting respective incremental time indexes having respectively different magnitudes (e.g. incremental time index for day has magnitude of 24 hrs between consecutive day, for particular day part has magnitude of 2 hrs between consecutive part, for time icon 224 has magnitude of predetermined period of time, etc. – figure 16, par. 0102+);

In addition, Boyer discloses after the user selects a desired day field or time field on the program guide, the new program guide associated with the selected field is displayed (see paragraphs 0102-0103). The cursors 222 and 224 are used to navigate to earlier or later time periods, respectively (paragraph 0103 +). Inherently, the software comprising a calculator for calculating a new time of transmission for display by adding the selected incremental time index; the display displays the program guide information at the new time of transmission (displaying program associated with the selected time field). However, Boyer does not specifically disclose a memory for storing the program guide information; adding the selected incremental time index to one time value in the current time interval.

Lemmons discloses memory 76 for storing program guide information (col. 7, line 20+). Lemmons further discloses viewer selects time fields (e.g. particular date on calendar – figure 8) to display program guide information associated with the selected day. For example, if program guide in Morning Time for Feb. 9th is currently displayed, viewer presses Right Arrow key one time, the Feb. 10 cell is highlighted, if viewer presses Right Arrow again, Feb. 11th cell is highlighted, and so on– col. 16, line 45+. In order to select a new date, the viewer uses the Left and Right Arrow keys on the remote control 78 to move the cursor from one calendar cell to the next, and press Enter, program guide associated with the selected field is displayed (col. 16, line 45+). Necessarily, a new time of transmission for display is calculated by adding the selected incremental time index (e.g. adding 24 hrs if same part of the day for next day is selected) to a time value in the current time interval. Therefore, it would have been obvious to one of

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ordinary skill in the art at the time the invention was made to modify Boyer to use the teaching as taught by Lemmons in order quickly access program guide information.

Regarding claim 9, Boyer in view of Lemmons teaches a method as discussed in the rejection of claim 1. Lemmons further discloses the plurality of time selection fields includes one of a page field (user selects early, morning, mid-day, etc. icons to display different page of the program guide- see figure 8), and the page field is adapted to provide a 6 particular time of a day (early, morning, mid-day, afternoon, prime time, latenite- see figure 16). It would have been obvious to one of ordinary skill in the art that the selected incremental time index is six-hours incremental time index when the page field is selected in order to provide an alternative way to display of the page.

Regarding claim 10, Lemmons teaches the plurality of time selection fields includes a day field (306, 308, etc.), and the selected incremental time index is a 24-hour incremental time index when the day field is selected (24 hrs differences between consecutive fields -see figure 8 and col. 16, line 45);

Regarding claim 11, Lemmons teaches the plurality of time selection fields includes a date field (Sun, Mon, etc. figure 8), and the selected incremental time index is a seven day incremental time index when the date field is selected (user can selects day 2, 9, 16, 23 on Sunday column when the program guide information is provided for these days- see figure 8, and col. 16, lines 50-64).

Regarding claim 12, the limitations of the apparatus as claimed correspond to the limitations of the method as claimed in claim 3, and are analyzed as discussed with respect to the rejection of claim 3.

Regarding claim 13, Lemmons teaches the calculator limits the program guide information at current time of transmission, if the calculated new time of transmission is earlier than the current time of transmission (the memory 76 preferably stores program schedule information for seven days starting with the current date (for example, February 9-15) and only program information correspond to these days are displayed (see col. 16, line 44+ and figure 16).

Regarding claim 14, Lemmons teaches the calculator limits displaying the program guide information at a latest time of transmission (Feb 15), if the calculated new time of transmission is later than the latest time of transmission, the latest time of transmission corresponding to the latest program guide information stored in the memory device 76 (see figures 2, 16).

Regarding claim 15, Lemmons teaches the apparatus is a set top box 70 (see figure 2, and col. 7, line 10+).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Macrae et al. (US 6,233,734) teaches system and method for controlling the broadcast and recording of television programs and for distributing information to be displayed on a television screen.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son P. Huynh
May 5, 2004



VIVEK SRIVASTAVA
PRIMARY EXAMINER